

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE



JIMMIE LEWIS
PLAINTIFF,

V.

CIV A. NO. 05-013 Gms

RAPHEL WILLIAMS,
ET AL.

AFFIDAVIT IN SUPPORT OF
MOTION TO COMPEL DISCOVERY

STATE OF DELAWARE

COUNTY OF NEW CASTLE

I JIMMIE LEWIS, BEING DULY SWORN,
DEPOSES AND SAYS:

- 1.) I AM THE PLAINTIFF IN THIS CASE. I MAKE
AFFIDAVIT IN SUPPORT OF MY MOTION TO COMPEL
DISCOVERY,

- 2.) ON 12/26/04 I WROTE THE INMATE GRIEVANCE GRIEVANCE CHAIRPERSON SGT. MARY MOODY REGARDING THE DISPOSITION OF GRIEVANCES I FILED BEFORE I WAS TRANSFERRED TO THE DELAWARE PSYCHIATRIC CENTER FOR AN EVALUATION, SEE ATTACHED EXHIBIT # (1),
- 3.) ON 12/28/04 WARDEN RAPHEL WILLIAMS OF H.R.Y.C.I RESPONDED TO MY REQUEST FOR THE DISPOSITION OF GRIEVANCES I FILED, SEE ATTACHED EXHIBIT # (2),
- 4.) ON 1/3/05 THE INMATE GRIEVANCE CHAIRPERSON RESPONDED TO MY REQUEST FOR THE ENTIRE LIST OF GRIEVANCE NUMBERS, DATES AND DISCRPTION OF GRIEVANCES ON RECORD, SEE ATTACHED EXHIBIT # (3),
- 5.) IN REGARDS TO RECEIVING GRIEVANCES FILED AS NON-GRIEVABLE DUE TO THEM ALLEGEDLY BEING FILED IN DUPLICATION, I REQUESTED TO RECEIVE A COPY OF THE ALLEGED DUPLICATE GRIEVANCE IN ORDER TO BE ABLE TO CORRECT THE ALLEGED ERROR, BUT THE RETURN RESPONSE I RECEIVED FROM WARDEN RAPHEL WILLIAMS OF H.R.Y.C.I DENIED MY REQUEST, SEE ATTACHED EXHIBIT # (4), DATED 1/24/05,
- 6.) ON 2/10/05 I RECEIVED A NOTATION FROM SGT M. MOODY THAT VARIFIES I AM BEING GIVEN THE RUN AROUND IN REGARDS TO OBTAINING GRIEVANCE INFORMATION, SEE ATTACHED EXHIBIT # (5),

7.) THE FIRST WEEK OF FEBRUARY 2005, I REQUEST THAT THE DEFENDANTS SUPPLY ME WITH ALL DISCIPLINARY/REPORTS, INCIDENT REPORTS, EXCESSIVE FORCE REPORTS AND MY HOUSING ASSIGNMENT HISTORY DATING FROM 5/26/03 UP-UNTIL PRESENT, SEE ATTACHED EXHIBIT # (6),

8.) ON 2/22/05 I RECEIVED A RETURN CORRESPONDENCE FROM MAJOR DAVE WILLIAMS THE H.R.Y.C.I.'S SECURITY SUPERINTENDANT, SEE ATTACHED EXHIBIT # (7)

THE DEFENDANTS HAVE DENIED ALL REQUEST CITED HEREIN, STATING MY REQUEST FOR SAID DOCUMENTS ARE CONFIDENTIAL, CUMBERSOME, COSTLY AND WILL ONLY BE RELEASED BY WAY OF COURT ORDER OR SUBPOENA,

WHEREFORE, THE PLAINTIFF HEREBY CERTIFIES THAT THE ABOVE LISTED DOCUMENTS ARE ALL VITALLY ESSENTIAL IN THE SEARCH FOR TRUTH IN THIS CASE.

THE PLAINTIFF HEREBY REQUEST THAT THE HONORABLE COURT, GRANTS THIS MOTION IN ALL RESPECTS SUBMITTED PURSUANT TO RULES 34(b) AND 37(a), FED. R. CIV. P.

Signed and sworn to (or affirmed)
before me this 16 day of Mar, 2005
year
Roderick Johnson
Signature of Notary Public, ST of DE

Jimmie Lewis

EXHIBIT # 1

STATE OF DELAWARE
DEPARTMENT OF CORRECTION
HOWARD R. YOUNG CORRECTIONAL INSTITUTION
OFFICE OF THE GRIEVANCE CHAIRPERSON
1301 E. 12TH STREET
WILMINGTON, DE 19801

MEMORANDUM

TO: Inmate Jimmie Lewis, 1E Pod
FROM: Sgt. Moody, Inmate Grievance Chairperson
DATE: 12-27-04
RE: Correspondence dated 12-26-04

Please be advised that this office is in receipt of your letter regarding grievances submitted prior to your transfer to Delaware Psychiatric Center. Please be advised that this office has 13 grievances on file. All 13 grievances show a disposition. Presently, there are only (5) five unresolved grievances on file for you, which were filed in the month of December 2004. All five grievances are medical issues.

If you should have any other questions or concerns, please see your Housing Officer, Floor Corporal, Sergeant or Lieutenant.

Cc: file

EXHIBIT # 2



STATE OF DELAWARE
DEPARTMENT OF CORRECTION
HOWARD R. YOUNG CORRECTIONAL INSTITUTION
1301 EAST 12TH STREET
WILMINGTON, DELAWARE 19809
Telephone: (302) 429-7747
Fax: (302) 429-7716

Raphael Williams
Warden IV

MEMORANDUM

TO: Jimmy Lewis, 506622
1E Pod

FROM: ~~Warden Raphael Williams~~

DATE: December 28, 2004

SUBJ: **YOUR RECENT CORRESPONDENCE**

Your recent correspondence, to this office, has been forwarded to Sergeant Mary Moody for any action or response deemed appropriate.

RW:adc

DISTRIBUTION

Sergeant Mary Moody
File

EXHIBIT # 3

STATE OF DELAWARE
DEPARTMENT OF CORRECTION
HOWARD R. YOUNG CORRECTIONAL INSTITUTION
OFFICE OF THE GRIEVANCE CHAIRPERSON
1301 E. 12TH STREET
WILMINGTON, DE 19801

MEMORANDUM

TO: Inmate Jimmie Lewis, 1E Pod

FROM: Sgt. Moody, Inmate Grievance Chairperson

DATE: 1-3-05

RE: Grievance #10022

This memo is to inform you that the grievance submitted by you dated 12/28/04, regarding information on past grievances is not grievable for the following reason(s): Requests are not processed through the grievance. However, on your behalf, below is listed the information you requested.

<u>Grievance #</u>	<u>Date</u>	<u>Type</u>	<u>Disposition</u>
868	1-8-04	Policy	Non-grievable
1519	2-7-04	Staff Issues	Non-grievable
1914	2-24-03	Medical	Non-grievable
1915	2-24-04	Laundry/Clothing	Non-grievable
2145	2-25-04	Medical	Released
2154	2-29-04	Recreation	Non-grievable
2173	3-3-04	Staff Issues	Non-grievable
2205	3-4-04	Recreation	Non-grievable
2334	3-22-04	Medical	Released
2337	3-22-04	Staff Issues	Non-grievable
2386	3-30-04	Medical	Resolved
3382	5-5-04	Staff Issues	Non-grievable
3392	5-5-04	Disciplinary	Non-grievable

Cc: file

EXHIBIT # 4



STATE OF DELAWARE
DEPARTMENT OF CORRECTION
HOWARD R. YOUNG CORRECTIONAL INSTITUTION
1301 EAST 12TH STREET
WILMINGTON, DELAWARE 19809
Telephone: (302) 429-7747
Fax: (302) 429-7716

Raphael Williams
Warden IV

MEMORANDUM

TO: Jimmie Lewis, 506622
1E Pod

FROM: Raphael Williams
Warden IV

DATE: January 24, 2005

SUBJ: **YOUR RECENT CORRESPONDENCE**

You currently have 47 active grievances on file. At this time, your request to receive copies of those grievances is denied, as it is too cumbersome to copy and costly.

RW:adc

DISTRIBUTION

File

EXHIBIT # 5

STATE OF DELAWARE
DEPARTMENT OF CORRECTION
HOWARD R. YOUNG CORRECTIONAL INSTITUTION
OFFICE OF THE GRIEVANCE CHAIRPERSON
1301 E. 12TH STREET
WILMINGTON, DE 19801

MEMORANDUM

TO: I/M Jimmie Lewis, 1E Pod
FROM: Sgt. Moody, Inmate Grievance Chairperson
DATE: 2-10-05
RE: Correspondence dated 2-8-05

Please be advised that this office is in receipt of your letter regarding status of grievances.
See below:

- (1) One Medical Grievance pending Level III decision #9686
- (1) One Non-Medical Grievance pending RGC Hearing #10867
- (3) Three Medical Grievances pending First Step #10866/#11022/#11260
- (3) Three Non-Medical Grievances pending First Step #11015/#11292/#11293

Cc: file

DISCIPLINARY DATES
REQUESTEDJIMMIE LEWIS
SBI # 506622

7-6-2003	9-26-2003	5-03-2004
7-7-2003	9-27-2003	10-26-2004
7-21-2003	10-02-2003	11-07-04
7-24-2003	12-10-2003	11-19-2004
8-13-2003	1-05-2004	12-02-2004
8-15-2003	1-25-2004	12-04-2004
9-11-2003	1-30-2004	12-06-2004
9-14-2003	2-07-2004	2-02-05
9-15-2003	3-03-2004	2-17-05
9-16-2003	3-04-2004	
9-19-2003	4-14-2004	
9-23-2003	4-23-2004	
9-25-2003	4-28-2004	

EXHIBIT # 7



STATE OF DELAWARE
DEPARTMENT OF CORRECTION
HOWARD R. YOUNG CORRECTIONAL INSTITUTION
1301 EAST 12TH STREET
WILMINGTON, DELAWARE 19801
Telephone: (302) 429-7719
Fax: (302) 429-7708

Dave Williams
Security Superintendent

MEMORANDUM

TO: Jimmy Lewis # 506622
IE ✓

FROM: Major Dave Williams *DW 2/22*

DATE: February 22, 2005

SUBJ: **YOUR RECENT CORRESPONDENCE**

This office is in receipt of your recent correspondence. Your request for all disciplinary and incident reports pertaining to you during your incarceration here at HRYCI is denied. The information you request is confidential and released by subpoena only.

DW:sm

DISTRIBUTION

File

Timmie KENNIS
SBI # 506622
H.R.Y.C.I
P.O BOX 9561
WILM, DE 19809

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OS-13

OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
844 N. KING ST, LOCKBOX 18
WILMINGTON, DELAWARE 19801